

AO 91 (Rev. 11/11) Criminal Complaint

United States District Court  
Southern District of Texas  
FILED

## UNITED STATES DISTRICT COURT

FEB 12 2015

for the

Southern District of Texas

Clerk of Court

United States of America )

v. )

WALTER ALFREDO VELASQUEZ-HERNANDEZ )  
Citizen of El Salvador, YOB: 1976 )  
)  
)  
)  
)

Case No. M-15-0211-M

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 11, 2015 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:

## Code Section

## Offense Description

Title 18, U.S.C. 111(a)(1)

forcibly assaults, resists, opposes, impedes, intimidates, or interferes with  
any person designated in section 1114 of this title while engaged in or on  
account of the performance of official duties.

This criminal complaint is based on these facts:

See Attachment A

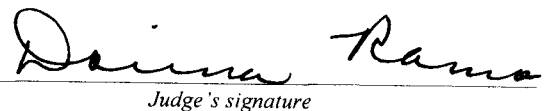
☒ Continued on the attached sheet.Approved  
Joseph Leonard  
Complainant's signature

Brian Hamilton, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 02/12/2015

  
Judge's signature

City and state: McAllen, Texas

Dorina Ramos, United States Magistrate Judge

Printed name and title

**Attachment "A"**

**Affidavit**

I, Brian Hamilton, being first duly sworn, state as follows:

1. I, Brian Hamilton, am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) in McAllen, Texas, and have been so employed since January, 2011. I am currently assigned to the Rio Grande Valley Safe Streets Task Force in McAllen, Texas. This affidavit is based on information provided by the United States Border Patrol, McAllen, Texas.

2. As a federal agent, I am authorized to investigate violations of federal laws of the United States.

3. The following facts and information are known by the Affiant and were provided by Border Patrol Agent (BPA) K.B., United States Border Patrol (USBP), McAllen, Texas. BPA K.B. provided information serving as probable cause in support of a complaint for violating Title 18, U.S.C., Section 111 (a)(1), Assaulting a Federal Officer.

4. On February 11, 2015, at approximately 10:50 P.M., BPA K.B. located a group of illegal aliens near Shuerbach Road and the Mission Levee. This area is approximately 21 miles west of the Hidalgo, Texas Port of Entry. As BPA K.B. approached the group, they all began to abscond down the levee. BPA K.B. attempted to apprehend one of the subjects, later identified as El Salvadorian national Walter Alfredo Velasquez-Hernandez, date of birth May 01, 1976. As BPA K.B. reached for Velasquez-Hernandez, both men fell and rolled down the south side of the levee.

5. After rolling to a stop, BPA K.B. grabbed Velasquez-Hernandez to restrain him. Velasquez-Hernandez began to struggle and was able to break the grip BPA K.B. had on him. Velasquez-Hernandez stood up and put his hands up with closed fists in a fighting stance. As BPA K.B. attempted to grab Velasquez-Hernandez, Velasquez-Hernandez threw multiple closed fist punches. Velasquez-Hernandez struck BPA K.B. 2 to 3 times in the upper left chest area, and attempted to strike him in the face but was unsuccessful. BPA K.B. was struggling to defend himself when a second unknown alien subject approached and began kicking him several times in the right leg. After delivering the kicks, the second subject absconded into the brush.

6. BPA K.B. feared for his life because it was dark, there was little visibility, and his closest back up, BPA S.D. was 50 yards away attempting to apprehend subjects of her own. BPA K.B. was unable to reach for his service weapon or less lethal weapons, due to Velasquez-Hernandez' continuing assault. In order to protect himself, BPA K.B. delivered approximately 2 to 3 punches to Velasquez-Hernandez' left rib area, then approximately 1 or 2 punches to his face.

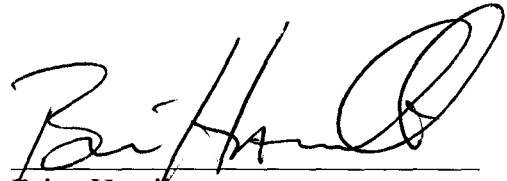
7. Velasquez-Hernandez fell to the ground, but continued to resist arrest. BPA B.K. ordered in the English and Spanish languages for Velasquez-Hernandez to surrender his hands. As BPA B.K. attempted to handcuff Velasquez-Hernandez, Velasquez-Hernandez broke free and began running away. BPA B.K. gave chase, and as he closed the distance, Velasquez-Hernandez again turned around and positioned himself into a fighting stance. BPA B.K. delivered another punch to Velasquez-Hernandez' left rib area.

8. After being struck, Velasquez-Hernandez yelled in English, "I'm sorry" and immediately submitted to BPA B.K.'s authority by lying on the ground. BPA B.K. then handcuffed Velasquez-Hernandez without further incident and escorted him to BPA S.D. BPA B.K. attempted to locate the subject that kicked him in the leg, but was unsuccessful.

9. BPA B.K. sustained some redness to the top right side of his forehead, a bruised and swollen left hand, and minor scratches to his right elbow. BPA B.K. was treated at Edinburg Regional Hospital for the injuries he sustained as a result of being assaulted by Velasquez-Hernandez. Velasquez-Hernandez sustained bruising and a small cut below his left eye, but refused medical treatment.

10. Subsequent to the apprehension of Velasquez-Hernandez, it was determined that Velasquez-Hernandez was a citizen of El Salvador, and was illegally present in the United States.

9. Based on the aforementioned factual information, your Affiant respectfully submits that Velasquez-Hernandez committed violations of Title 18, United States Code, Section 111 (a)(1), Assaulting a Federal Officer.



Brian Hamilton  
Special Agent  
Federal Bureau of Investigation

Sworn to and subscribed before me this 12<sup>th</sup> day of February, 2015.



Dorina Ramos  
United States Magistrate Judge